

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VNUS MEDICAL TECHNOLOGIES, INC.

No. C-05-2972 MMC

Plaintiff

v.

DIOMED HOLDINGS, INC., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART DIOMED'S MOTION
FOR ADMINISTRATIVE RELIEF TO FILE
DOCUMENTS UNDER SEAL;
DIRECTIONS TO DIOMED**

Before the Court is defendants Diomed Holdings, Inc., and Diomed, Inc.'s (collectively, "Diomed") motion for administrative relief to file documents under seal, filed August 10, 2007. Having reviewed the Declaration of Mark Kertz, filed by plaintiff VNUS Medical Technologies, Inc. ("VNUS") on August 17, 2007, the Court rules as follows:

1. Diomed's motion is hereby GRANTED in part, specifically, as to the following documents that VNUS has shown contain material properly filed under seal:

a. Defendants' Notice and Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§ 102-103, and

b. Exhibits I, O, P, Q, BB, and DD to the Declaration of Charles T. Steenburg in Support of Defendants' Notice and Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§ 102-103.

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1 2. With respect to Exhibits I and Q to the Declaration of Charles T. Steenburg, only
2 a portion of those exhibits are, for the reasons stated by VNUS, properly filed under seal.
3 Accordingly, Diomed's motion is hereby DENIED to the extent Diomed seeks to file the
4 entirety of said exhibits under seal. If Diomed wishes the Court to consider the portions of
5 those exhibits that have not been designated as confidential by VNUS, specifically, any
6 page of Exhibit I other than page 28 and any page of Exhibit Q other than pages 7:1-7, 201,
7 202, and 203:15-204:25, Diomed is hereby DIRECTED to electronically file in the public
8 record such pages no later than August 30, 2007.

9 3. Diomed's motion is hereby DENIED in part, specifically, as to the following
10 documents for which VNUS has withdrawn any prior designation of confidentiality: Exhibits
11 K-N and Y-AA to the Declaration of Charles T. Steenburg in Support of Defendants' Notice
12 and Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§ 102-103. If Diomed
13 wishes to have the Court consider such exhibits, Diomed is hereby DIRECTED to
14 electronically file in the public record such exhibits no later than August 30, 2007.

15 **IT IS SO ORDERED.**

16
17 Dated: August 23, 2007


MAXINE M. CHESNEY
United States District Judge